

**SANDHILL RIDGE  
35-LOT MAJOR SUBDIVISION AND ONE VARIANCE REQUEST**

**STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS**

**CASE PLANNER:** Renee Lemon. *RL*

**REVIEWED/  
APPROVED BY:** Karen Hughes *KH*

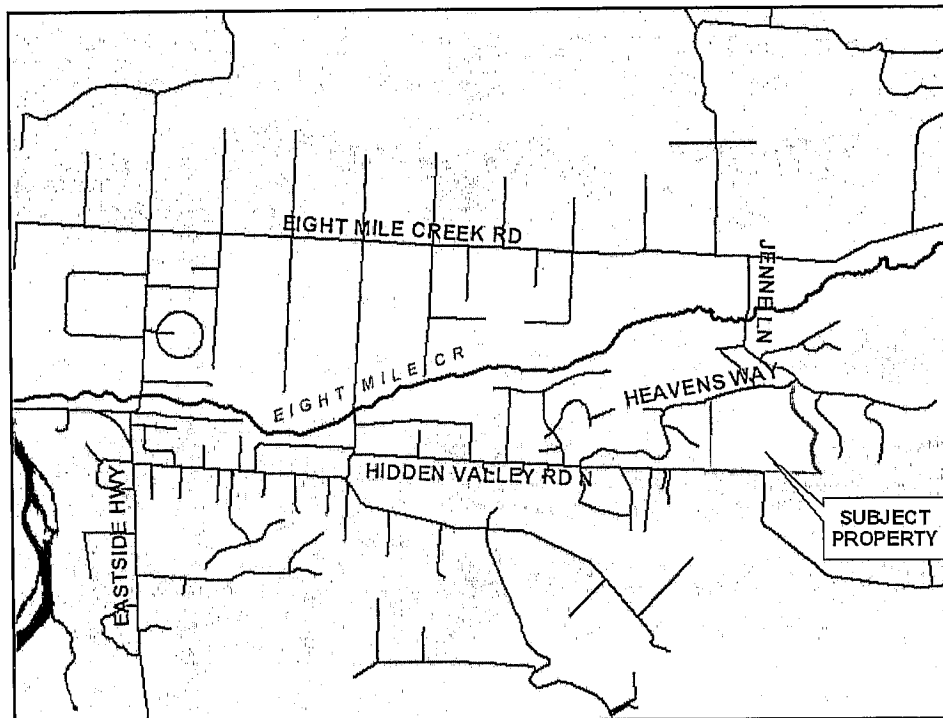
**PUBLIC MEETINGS:** Planning Board Public Meeting: April 16, 2008  
BCC Public Meeting: 9:30 a.m. May 8, 2008  
Deadline for BCC action (60 working days): June 9, 2008

**SUBDIVIDER:** Big Sky Development Group, LLC  
PO Box 1147  
Victor, MT 59875-1147

**OWNER:** Dennis Schneider

**REPRESENTATIVE:** WGM Group, Inc.  
PO Box 16027  
Missoula, MT 59808-6027

**LOCATION OF REQUEST:** The property is located east of Florence off Eight Mile Creek Road, Jenne Lane, and Heaven's Way. (See Map 1)



**Map 1: Location Map**  
(Source Data: Ravalli County GIS Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Tract 2 of Certificate of Survey number 533387-R, located in Section 9, T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined sufficient on March 14, 2008. Agencies were notified of the subdivision on June 13, 2007 September 7, 2007, and March 27, 2008. Comments received from agencies are Exhibits A-1 through A-27 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

**LEGAL NOTIFICATION:**

A legal advertisement was published in the *Ravalli Republic* on Tuesday, April 1, 2008. Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated April 2, 2008. One public comment has been received to date (Exhibit B-1).

**DEVELOPMENT  
PATTERN:**

|                   |  |
|-------------------|--|
| Subject property: | Agricultural/Open Space                              |
| North:            | Gunshy Ridge III (Plat has been recorded.)           |
| South:            | Low Density Residential/State lands                  |
| East:             | Gunshy Ridge II (Proposal in sufficiency review.)    |
| West:             | Remington Ridge (Proposal has preliminary approval.) |

**INTRODUCTION**

Sandhill Ridge is a proposed 35-lot major subdivision located approximately 5.0 miles east of the community of Florence. The applicant is proposing two routes to access the subdivision. The first route is via Eight Mile Creek Road, Jenne Lane, and Heaven's Way. The second route is via Hidden Valley Road, Hidden Valley Road North, and Heaven's Way. This route will only be possible after the applicant of Remington Ridge, which has received preliminary approval, has constructed Heaven's Way to connect to Hidden Valley Road North.

The applicant is also proposing a 60-foot wide conditional easement connecting south to Hidden Valley Road North between Lots 13 and 14. The applicant is not proposing to construct the road within that connection easement. Staff expressed concerns about the impacts of not constructing the connection on emergency access and general traffic flow. At a discussion on April 14, 2008 between the Planning Department, Road Department, and applicant, the applicant stated that because of the access that will be created through the Heaven's Way connection to Hidden Valley Road North and the substantial engineering that would be required to improve a portion of Hidden Valley Road North along the southwestern corner of Sandhill Ridge that has slopes of 19%, a direct connection to Hidden Valley Road North between Lots 13 and 14 is not appropriate. David Ohnstad stated that most of the traffic generated from Sandhill Ridge is likely to use the Eight Mile Creek Road route because it is a relatively straight road versus the Hidden Valley Road North route, which curves through neighborhoods. The applicant's engineer agreed to provide a traffic analysis estimating the amount of traffic that would use the Hidden Valley Road North route and propose appropriate mitigation. The applicant's engineer will be submitting this information prior to the public hearing before the Commissioners. David Ohnstad did not think that any substantial mitigation would be required because only a small amount of traffic is likely to use the Hidden Valley Road North route.

The subdivider is requesting a variance from Sections 5-4-5(a) and (b)(4) of the RCSR, to allow the subdivider to pay the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet the road standards for existing construction within a 50-foot wide easement instead of reconstructing the road to meet the road standards for new construction. County road standards reflect the standards of the American Association of State Highway and Transportation Officials (AASHTO). AASHTO standards for existing construction differ from AASHTO standards for new construction.

## **PLANNING STAFF RECOMMENDED MOTIONS**

1. That the variance request from Sections 5-4-5(a) and (b)(4) of the Ravalli County Subdivision Regulations be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report.
2. That the Sandhill Ridge Major Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report, and subject to the conditions in the staff report. *(Staff Note: The Commissioners should include their decision on the parkland dedication as part of the motion.)*

## **PLANNING STAFF RECOMMENDED CONDITIONS FOR THE VARIANCE**

1. The applicant shall meet the following requirements prior to final plat approval (*Variance*):
  - a) The applicant shall pay the cost of materials required to improve the portion of Eight Mile Creek Road from Station 5+50 to meet the county road standards for existing construction. The applicant shall submit a receipt from the Ravalli County Treasurer's Office 30 calendar days after the both the Morado Mountain Estates and Sandhill Ridge subdivisions have been granted preliminary approval showing that half of the payment has been paid. The applicant shall submit a receipt from the Treasurer's Office showing that the remaining amount has been paid 45 calendar days after the first amount was paid;
  - b) The current 50-foot wide easement will be acceptable for the improvements;
  - c) Improvements to the north/south major collector segment of Eight Mile Creek Road will be at a road width of 24 feet for a distance of 3,150 feet, and the improvements to the east/west minor collector segment will be at a road width of 22 feet for a distance of 17,375 feet;
  - d) Applicants will pay for a 0.12-inch leveling course and an 0.17-inch wearing course. The mutually agreed upon calculations for the leveling course and wearing course over the areas noted in item (c) are:
    - i. 1,520 cubic yards crushed aggregate for the shoulders at \$11.00 per cubic yard equaling \$16,720.
    - ii. 4,680 tons plant-mix asphalt at \$45.00 per ton equaling \$210,600.
    - iii. 7,625 tons plant-mix asphalt at \$45.00 per ton equaling \$343,125;
  - e) Additional improvements will require that applicants pay for 1 (10x3x48) Concrete Box Culvert at \$420 per foot + \$2,700 in delivery costs for a total of \$22,860;
  - f) The total costs under (d) and (e) is \$593,305, but the applicants acknowledge this total is subject to change depending on the unit cost of plant-mix asphalt. The parties also acknowledge that these calculations were generated by David Ohnstad at the Ravalli County Road and Bridge Department; and,
  - g) The applicant's expenditures for Eight Mile Creek Road improvements will be offset by any pro rata payments made in the same grader district from the time either subdivision is preliminarily approved until the time of Eight Mile Creek Road reconstruction.
2. The applicant shall dedicate Park 2 to the County for a public trail to connect from Heaven's Way to the adjacent State land to the south. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services*) (*Variance*)

## **PLANNING STAFF RECOMMENDED CONDITIONS FOR THE SUBDIVISION**

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

**Notification of Proximity to Agricultural Operations.** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture*)

**Notification of Road Maintenance Agreement.** Jenne Lane, Heaven's Way, the internal subdivision roads, and Hidden Valley Road North are not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A road maintenance agreement for these roads was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

**Notification of Severe Soils.** Within this subdivision there are areas of the property identified by the Natural Resources Conservation Service (NRCS) as potentially having soils rated as "very limited" for road construction and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat. Descriptions of the severe soils in question are included as exhibits to this document [the subdivider shall include the exhibits as attachments]. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety*)

2. Protective covenants for this subdivision shall be submitted with the following provisions:

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)

**Living with Wildlife.** Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as deer, black bear, mountain lion, coyote, fox, raccoon and skunk in this subdivision and its commons areas. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov). (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Wildlife & Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears

and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.

- c. **Garbage** must be stored in secure bear-resistant containers or indoors to avoid attracting wildlife such as bears and raccoons. If stored indoors, garbage cans may not be set out until the morning of garbage pickup, and must be taken back indoors that day after garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders must: a) be suspended a minimum of 20 feet above ground level, b) be at least 4 feet from any support poles or points, and c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the immediate control of their owner(s), and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** must be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets [and/or livestock]** do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Permanent, outdoor barbecues grills are discouraged in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer and/or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
- j. **Compost piles** can attract skunks and bears and should be avoided in this subdivision. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These "living with wildlife" covenants cannot be altered or eliminated without consent of the governing body (Board of County Commissioners).

**No-build/Alteration Zones for Steep Slopes.** Within this subdivision there are no-build/alteration zones on slopes greater than 25%, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

**Riparian Covenants.** Within this subdivision, there is a natural drainage feature along the eastern boundary of the property, as shown on the final plat. Healthy, naturally functioning drainage areas benefit wildlife and the natural environment. The following provisions apply to area within 50 feet of the centerline of the natural drainage feature. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment, Wildlife & Wildlife Habitat, and Public Health and Safety*)

- a. No new building or alteration is allowed in the no-build/alteration zones, with the exception of trail construction, not to exceed 8.0 feet in width, including shoulders.
- b. Only non-motorized access and use is allowed (except for certain maintenance needs such as weed spraying).
- c. Do not cut or remove live or dead vegetation, particularly shrubs and trees. Dead trees function as important wildlife nesting habitat. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
- d. Do not plant lawns in the no-build/alteration zones. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
- e. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
- f. In summary, allow the no-build/alteration zones to remain undisturbed. Do not modify unless such change would help return the area to a natural state.
- g. Wooded draws can be favored movement corridors for big game animals such as deer, bear, and mountain lion. Residents should exercise caution when using these areas.
- h. These riparian covenants cannot be altered or eliminated without consent of the governing body (Ravalli County Commissioners).

**Lighting for New Construction.** To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit [www.darksky.org](http://www.darksky.org). (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Public Health & Safety*)

**Control of Noxious Weeds.** A noxious weed evaluation form has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s). Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Agriculture and Natural Environment*)

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The All Valley Fire Council has adopted the Fire Protection Standards, which require lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the

road providing access to the lot as soon as construction on the residence begins. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Access Requirements for Lots within this Subdivision.** The All Valley Fire Council has adopted the Fire Protection Standards. All access roads, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Building Standards.** The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)

**Wood Stoves.** The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Archeological Resources.** If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

**Amendment.** Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Section 3-2-8(b)(v), RCSR, Effects on all six criteria*)

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued address for the lots. (*Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety*)



5. Prior to the final plat approval, the subdivider shall provide a letter from the Florence Rural Fire Department stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection of each lot. Alternatively, the subdivider may provide evidence that \$500 per lot has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
6. The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health & Safety)*
7. The subdivider shall submit a letter or receipt from the Florence-Carlton School District stating that they have received an amount (to be determined at the Commissioner hearing) per lot prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services)*
8. The subdivider shall submit an amount (to be determined at the Commissioner hearing) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
9. The Road Maintenance Agreement filed with the final plat shall state that the other parcels which may have beneficial use of the internal subdivision roads shall be allowed to join as members of the agreement without the consent of the current members once connecting roads are developed within the easements. *(Section 3-2-8(b)(v), RCSR, Effects on Local Services and Public Health and Safety)*
10. The applicants shall provide evidence that a Collection Box Unit (CBU) has been installed atop a concrete slab, in accordance with the Florence post office's standards, and that its installation has been approved by the Florence post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Florence Post Office that a CBU is not required for this subdivision. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
11. The applicant shall dedicate Park 2 to the County for a public trail to connect from Heaven's Way to the adjacent State land to the south. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
12. The no-build/alteration zones that are currently proposed on slopes greater than 25% shall be extended to cover the area within 50 feet of the centerline of the drainage. The no-build/alteration zones shall be shown on the final plat. *(Section 3-2-8(b)(v), RCSR, Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health and Safety)*
13. The applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround could or should be constructed to provide a safe place for students. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety)*

14. The applicant shall provide evidence that the Heaven's Way connection to Hidden Valley Road North has been completed prior to final plat approval. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health & Safety*)
15. The applicant shall provide for a 60-foot wide public road and utility easement between Lots 13 and 14 in case there is future development to the south. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services and Public Health and Safety*)

**FINAL PLAT REQUIREMENTS (Ravalli County Subdivision Regulations Section 3-4-4(a))**

1. A statement from the project surveyor or engineer outlining how each final plat requirement or condition of approval has been satisfied shall be submitted with the final plat submittal.
2. One paper and two mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) shall be submitted prior to final plat approval. The final plat shall conform to the preliminary plat decision. The following features are required on the Final Plat:
  - a) Project name
  - b) Title block
  - c) Certificate of registered owner – notarized
  - d) Certificate of registered land surveyor with seal
  - e) Certificate of governing body approval
  - f) Signature block for Clerk and Recorder, preferably in lower right hand corner
  - g) Certificate of public dedication
  - h) Certificate of park cash-in-lieu payment
  - i) Other certifications as appropriate
  - j) North arrow
  - k) Graphic scale
  - l) Legal description
  - m) Property boundaries (bearings, lengths, curve data)
  - n) Pertinent section corners and subdivision corners
  - o) Names of adjoining subdivisions/certificates of survey
  - p) Monuments found
  - q) Witness monuments
  - r) Acreage of subject parcel
  - s) Curve data (radius, arc length, notation of non-tangent curves)
  - t) Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
  - u) Lots and blocks designated by number (dimensions/acreage)
  - v) Easements/rights of ways (location, width, purpose, ownership) for utilities and 60-foot wide public road and utility easements for all internal roads, as proposed on the preliminary plat
  - w) Dedication for public use (boundaries, area, purpose)
  - x) No-build/alteration zones for the slopes greater than 25% and within 50 feet of the centerline for the natural drainage feature
  - y) No-ingress/egress zones
  - z) Water resources (rivers, ponds, etc.)
  - aa) Floodplains
  - bb) Irrigation canals including diversion point(s), etc.
  - cc) High-pressure gas lines
  - dd) Existing and new roads (names, ownership, etc.)
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.

4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. A Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.
8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of the submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurer's Office for the payment of cash-in-lieu of parkland dedication, shall be submitted with the final plat submittal. *(Staff Note: This will not be required if the Commissioners accept the parkland proposal.)*
13. Evidence of a Ravalli County-approved road name petition(s) for each new road shall be submitted with the final plat submittal.
14. Final Road Plans and Grading and Storm Water Drainage Plan for the internal roads shall be submitted with the final plat submittal.
15. Road certification(s) shall be submitted with the final plat submittal to provide evidence that Heaven's Way and the internal subdivision roads meet county standards. *(Staff Note: A professional engineer's certification on the road plans and final approval from the Road Department shall meet this requirement.)*
16. Utility availability certification(s) shall be submitted with the final plat submittal.
17. Road/common access maintenance agreement(s), signed and notarized, shall be submitted with the final plat submittal.
18. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
19. Copies of permits issued by the Bitterroot Conservation District or the US Army Corps of Engineers when construction occurs on environmentally sensitive features shall be submitted with the final plat submittal.

20. A copy of the letter sent to the appropriate school district(s) stating the applicant has made or is not willing to make a voluntary contribution to the school district to mitigate impacts of the subdivision on the school district that are not related to capital facilities; shall be submitted with the final plat submittal.
21. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations shall be submitted with the final plat submittal.
22. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required, shall be submitted with the final plat submittal. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2.) Following are specific improvements required for this subdivision:
  - a) The applicant shall construct the internal subdivision roads to meet county standards
  - b) The applicant shall install stop signs and road name signs at all intersections, as proposed on the preliminary plat, prior to final plat approval.
  - c) The applicant shall construct a bus shelter and/or turnout lane, if necessary, prior to final plat approval.
  - d) The applicant shall install a Collection Box Unit for mail delivery, if required by the local post office.
  - e) The applicant shall install the water supply and flow requested by the Fire District unless a monetary contribution is chosen.
23. Prior to final plat approval, the applicant shall dedicate Parks 1 and 2 to the County.

## SUBDIVISION REPORT

### COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

#### **A. Provides easements for the location and installation of any planned utilities.**

##### Findings of Fact

1. Existing public road and utility easements are provided along Jenne Lane, as recorded in the amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015) and on the plat of the Gunshy Ridge subdivision. (Sandhill Ridge Subdivision File)
2. A private access easement along present-day Heavens Way is recorded in Certificate of Survey 501586-F. (Sandhill Ridge Subdivision File)
3. Public access and utility easements are proposed along the internal subdivision roads. (Sandhill Ridge Subdivision Application)
4. *To ensure that this prerequisite is met, the Ravalli County Subdivision Regulations require that existing and proposed utility easements are shown on the final plat. (Requirement 2)*

##### Conclusion of Law

The subdivision application provides for utility easements.

#### **B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.**

##### Findings of Fact

1. The property is proposed to be accessed via Eastside Highway, Eight Mile Creek Road, Jenne Lane, Heaven's Way, and the internal subdivision roads. Alternatively, the subdivision could also be accessed via Heaven's Way, Hidden Valley Road North, and Hidden Valley Road once road improvements have been completed for the Remington Ridge Subdivision. (Map 1)
2. This prerequisite only requires evidence that there is legal and physical access to each lot; it does not require evidence that there is legal and physical access from every possible route. For the purposes of this analysis, staff will use the route via Eastside Highway, Eight Mile Creek Road, Jenne Lane, Heaven's Way, and the internal subdivision roads. (Staff Determination)
3. Eastside Highway is a State-maintained highway that provides legal and physical access.
4. Eight Mile Creek Road is a county-maintained road that provides legal and physical access. (Exhibit A, RCSR)
5. The applicant is required to improve the portion of Eight Mile Creek Road leading to the subdivision to meet county standards. (Section 5-4-5(a) and (b)(4), RCSR)
6. The applicant requested a variance from improving the portion of Eight Mile Creek Road leading to the subdivision to meet county standards for new construction and is instead proposing to pay the cost of materials towards improving the road to meet the county standards for existing construction. Staff is recommending conditional approval. (Variance Application and Report)
7. Jenne Lane is a privately-maintained road that has been confirmed by the Ravalli County Road and Bridge Department (RCRBD) as meeting County standards for this subdivision (Exhibit A-9).
8. An existing 60-foot-wide public road and utility easement is provided along Jenne Lane, as recorded on the amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015), and on the plats of the Gunshy Ridge subdivisions. (Sandhill Ridge Subdivision File)

9. Heaven's Way is a privately-maintained road. (Sandhill Ridge Subdivision Application)
10. A 60-foot-wide private access easement along present-day Heavens Way is recorded in Certificate of Survey 501586-F. (Sandhill Ridge Subdivision File)
11. Plans for the improvement of Heavens Way were submitted and reviewed with the preliminary plat applications of both Sandhill Ridge and Gunshy Ridge III. The portion of the road leading to Sandhill Ridge has been improved. (Sandhill Ridge Subdivision File)
12. An engineer's certification that Heavens Way meets County standards is requirement of final plat approval for Sandhill Ridge. (Section 5-4-5(a) and (b)(4), RCSR)
13. The applicant is proposing to construct the internal roads to meet county standards. (Sandhill Ridge Subdivision Application)
14. The applicant is proposing 60-foot wide public road and utility easements for the internal roads. (Sandhill Ridge Subdivision Application)
15. *To ensure legal and physical access to the subdivision, the applicant shall meet the following requirements:*
  - *The applicant shall pay the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet county standards for existing construction prior to final plat approval. (Condition 1 of Variance Approval)*
  - *The applicant shall provide an engineer's certification that Heaven's Way meets county standards prior to final plat approval. (Requirement 15)*
  - *The applicant shall construct the internal subdivision roads to meet county standards and obtain final approval from the Road Department. (Requirements 14, 15, 22)*
  - *The applicant shall provide for 60-foot wide public road and utility easements for all internal subdivision roads. (Requirement 2)*

#### Conclusion of Law

With variance approval, mitigation conditions, and the requirements of final plat approval, legal and physical access will be provided to the subdivision.

- C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.**

#### Finding of Fact

The applicant shall be required to submit evidence that the following improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdividers prior to final plat approval (*Requirement 22*):

- Construction of internal subdivision roads prior to final plat approval
- Installation of stop signs and road name signs at the intersections, as proposed on the preliminary plat, prior to final plat approval
- Construction of a bus shelter and/or turnout lane, if necessary, prior to final plat approval
- Installation of a Collection Box Unit for mail delivery, if necessary
- Provision of requested water supply and flow unless a monetary contribution to the Fire District is chosen

#### Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that the improvements are installed.

**D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(j), MCA states that when a subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider is required to:
  - (i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;
  - (ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  - (iii) reserve and sever all surface water rights from the land.
2. There are no water rights associated with this property. (Sandhill Ridge Subdivision Application)
3. Average lot size of the proposal is less than 5.0 acres. (Sandhill Ridge Subdivision Application)

Conclusion of Law

The proposal meets these requirements.

**E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. 76-3-504(1)(k) MCA states that, except as provided in subsection (1)(k)(ii), the subdivider is required to establish ditch easements in the subdivision that:
  - (A) are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - (B) are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
  - (C) prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. There are no irrigation ditches on or within 300 feet of the property. (Sandhill Ridge Subdivision Application)

Conclusion of Law

The proposal meets these requirements.

**F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The required parkland dedication is 3.29 acres. (Sandhill Ridge Subdivision Application)
2. The applicant is proposing to dedicate Parks 1 and 2 to the County for a total of 13.59 acres. (Sandhill Ridge Subdivision Application)

3. The Park Board strongly supports the proposal for parkland dedication. (Exhibit A-3, Exhibit A-4, Sandhill Ridge Subdivision File, and comments from Bob Cron, Park Board member, at the April 16<sup>th</sup> Planning Board Meeting)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

#### Conclusion of Law

This prerequisite has been met.

### **G. Overall Conclusion on Prerequisite Requirements**

There is credible evidence that the subdivision application meets the prerequisite requirements.

### **COMPLIANCE WITH APPLICABLE REGULATIONS**

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

#### **A. These regulations, including, but not limited to, the standards set forth in Chapter 5.**

##### Findings of Fact

1. The subdivision design as indicated on the preliminary plat meets the design standards in Chapter 5 of the RCSR, except that the applicant is requesting a variance from improving the portion of Eight Mile Creek Road leading to the subdivision. (Sandhill Ridge Subdivision File)
2. Staff is recommending conditional approval of the variance. (Variance Report)
3. This development proposal has followed the necessary application procedures and has been reviewed in compliance with Chapter 3 of the RCSR. (Sandhill Ridge Subdivision File)

##### Conclusions of Law

1. With variance approval, the preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The requirements for the application procedures and review of this proposed subdivision have been met.

#### **B. Applicable zoning regulations.**

##### Findings of Fact

1. This subdivision is subject to the settlement agreement filed in the *Lords et al. v. Ravalli* County lawsuit regarding the Interim Zoning Regulations enacted November 7, 2006 [Resolution 2193] and may be affected by future actions resulting from said settlement.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Sandhill Ridge Subdivision Application)

##### Conclusion of Law

This proposal complies with existing zoning regulations.



**C. Existing covenants and/or deed restrictions.**

Findings of Fact

1. There are existing covenants on the property. (Sandhill Ridge Subdivision Application)
2. The proposal complies with the covenants. (Sandhill Ridge Subdivision File)

Conclusion of Law

The proposal complies with applicable covenants.

**D. Other applicable regulations.**

Findings of Fact

1. Following are regulations that may apply to this subdivision:
  - Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
  - Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
  - Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
  - Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
  - Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)
2. Prior to final plat approval, the applicant is required to submit permits and evidence that the applicable regulations have been met. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the requirements of final plat approval, the application meets all of the applicable regulations.

**E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:**

**CRITERION 1: EFFECTS ON AGRICULTURE**

Findings of Fact:

1. The subject property has been used for dry land farming in the past. (Sandhill Ridge Subdivision Application)
2. There are agricultural uses in the area. (Sandhill Ridge Subdivision Application)
3. None of the adjacent parcels are classified for tax purposes as agricultural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. Gunshy Ridge II is a proposed subdivision adjacent to the east; Gunshy Ridge III is a recorded subdivision adjacent to the north; and Remington Ridge is a subdivision adjacent to the west that has been granted preliminary approval. (Planning Department)
5. There are no soils classified as Prime Farmland, Prime Farmland if Irrigation, or Farmland of Statewide Importance on the property. (Web Soil Survey, U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS))
6. The applicant provided evidence that a Ravalli County Subdivision Noxious Weed Evaluation Form was submitted to the Weed District. (Exhibit A-2)
7. The applicant has been implementing biological weed control on the property and has contracted a native plant specialist to help control weeds on the property through the covenants. (Sandhill Ridge Subdivision Application)
8. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such

as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)

9. *Following are conditions and requirements of the final plat approval that will mitigate the impacts of the subdivision on agriculture:*
- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
  - *The approved Ground Disturbance and Noxious Weed Management Plan shall be required to be submitted prior to final plat approval. (Requirement 11)*
  - *A noxious weed control provision shall be included in the protective covenants filed with the final plat. This should incorporate the information provided by the applicant's consultant on weed control. (Condition 2)*

Conclusion of Law:

With mitigating conditions of approval and the requirements of final plat approval, there will be minimal impacts on agriculture.

**CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

Findings of Fact

1. There are no water rights associated with the property. (Sandhill Ridge Subdivision Application)
2. There are no irrigation ditches on or within 300 feet of the subject property. (Sandhill Ridge Subdivision Application)

Conclusion of Law

This proposal will have no impacts on agricultural water user facilities.

**CRITERION 3: EFFECTS ON LOCAL SERVICES**

Findings of Fact:

Fire District

1. The subdivision is located within the jurisdiction of the Florence Rural Fire Department. (Sandhill Ridge Subdivision Application)
2. The Fire District is located approximately 3.5 miles from the subject property. (Sandhill Ridge Subdivision Application)
3. The Florence Rural Fire District stated in a phone conversation that they recommend a direct access off Hidden Valley Road North. (Exhibit A-24) The Fire District has not provided a written comment.
4. The applicant is proposing an access to Hidden Valley Road North via Heaven's Way through the Remington Ridge Subdivision to provide for emergency vehicle access and efficient traffic flow. (Sandhill Ridge Subdivision Application and Effects on Public Health and Safety)
5. The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards (outlined in document from the Hamilton Rural Fire Department) that address access, posting of addresses, and water supply requirements. (Exhibit A-17)
6. *The following conditions will mitigate the impacts of the subdivision on the Florence Rural Fire Department:*
  - *The applicant shall provide evidence that the Heaven's Way connection to Hidden Valley Road North has been completed prior to final plat approval. (Condition 14)*
  - *Provisions shall be included in the covenants requiring that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*

- *The covenants shall include a recommendation that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. (Condition 2)*
- *Prior to final plat approval, the subdivider shall provide a letter from the Florence Rural Fire Department stating that the subdivider has provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection of each lot. Alternatively, the subdivider shall provide evidence that \$500 per lot has been contributed to the Florence Rural Fire Department with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
- *The following statement shall be shown on the final plat: "The All Valley Fire Council, which includes the Florence Rural Fire Department, has adopted Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Florence Rural Fire Department for further information". (Condition 6)*

#### School District

7. The proposed subdivision is located within the Florence-Carlton School District. (Sandhill Ridge Subdivision Application)
8. It is estimated that 18 school-aged children will be added to the Florence-Carlton School District, assuming an average of 0.5 children per household. (Census 2000)
9. The applicant is proposing to mitigate the impacts of the subdivision on the School District through a voluntary contribution of \$250 per lot to the Florence-Carlton School District to be paid prior to final plat approval. (Sandhill Ridge Subdivision Application)
10. The Florence-Carlton School District requested a \$10,418 per lot contribution. The amount is based on information commonly requested by the county commissioners when reviewing subdivisions, and information from an August 8, 2006 Impact Fee Study. (Exhibit A-7)
11. Ravalli County has not adopted impact fees to date. The County cannot request a contribution for capital expenses until an impact fee has been adopted. (MCA 7-6-1603)
12. The cost per pupil for one year in the Florence-Carlton School District, excluding capital costs, is \$6,686. (Exhibit A-6)
13. Taxes from new residents may not be immediately available to the school districts. There is no available information on the average amount of time between when a school district serves children from a new residence and when the school district receives tax money from that residence. (Staff Determination)
14. The Ravalli County Educational Transportation Committee has requested that the BCC require that developers establish a bus shelter and a turnout lane or turnaround, as appropriate, at subdivision entrances to County-maintained roads. (Exhibit A-5)
15. This subdivision does not front on a County-maintained road. The nearest County-maintained road is Eight Mile Creek Road and there does not appear to be any bus shelters or turnout lanes for students waiting for the bus. (Staff Determination)
16. *To mitigate the impacts of the subdivision on the School District, the following conditions could be met:*
  - *The applicant shall negotiate a contribution with the BCC, in consultation with the Florence-Carlton School District, if possible. (Condition 7)*
  - *Prior to final plat approval, the applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround could or should be constructed. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are necessary, the applicant shall complete the improvements prior to final plat approval. (Condition 13)*

#### Water and Wastewater Districts

17. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Sandhill Ridge Subdivision Application)

#### Public Safety Services

18. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Sandhill Ridge Subdivision Application)
19. The application states that law enforcement services in Stevensville are located 12 miles away. (Sandhill Ridge Subdivision Application)
20. The Ravalli County Sheriff's Office is located approximately 30 miles from the proposal.
21. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on June 13, 2007, September 7, 2007, and March 27, 2008, but no comments have been received from the Sheriff's Office. (Sandhill Ridge Subdivision File)
22. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 88 people to the County. (Census 2000)
23. Taxes from new residents may not be immediately available to law enforcement services, E-911, or the Department of Emergency Services (DES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)
24. The applicant is proposing an access to Hidden Valley Road North via Heaven's Way through the Remington Ridge Subdivision to provide for emergency vehicle access and efficient traffic flow. (Sandhill Ridge Subdivision Application and Effects on Public Health and Safety)
25. *To mitigate impacts on Ravalli County Public Safety Services, the subdivider shall meet the following conditions:*
  - *The applicant shall provide evidence that the Heaven's Way connection to Hidden Valley Road North has been completed prior to final plat approval. (Condition 14)*
  - *The applicant shall submit an amount (to be determined at the Commissioner hearing) per lot to the Ravalli County Treasurer's Office to be deposited into an account for Public Safety Services (Sheriff, E-911, DES) prior to final plat approval. (Condition 8)*

#### Ambulance Services

26. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department and Missoula Emergency Services. Both entities were contacted, but no comments have been received to date. (Sandhill Ridge Subdivision File)
27. In the Environmental Assessment, the applicant also listed Community Medical Center in Missoula as the ambulance service. (Sandhill Ridge Subdivision Application)
28. The applicant is proposing an access to Hidden Valley Road North via Heaven's Way through the Remington Ridge Subdivision to provide for emergency vehicle access and efficient traffic flow. (Sandhill Ridge Subdivision Application and Effects on Public Health and Safety)
29. *To mitigate impacts on emergency services, the subdivider shall meet the following:*
  - *The applicant shall provide evidence with the final plat submittal that they have applied for County-issued addresses for the lots. (Condition 4)*
  - *The applicant shall provide evidence that the Heaven's Way connection to Hidden Valley Road North has been completed prior to final plat approval. (Condition 14)*

#### Solid Waste Services

30. Bitterroot Disposal provides solid waste service to this site. (Sandhill Ridge Subdivision Application)
31. Notification letters were sent to Bitterroot Disposal, but no comments have been received to date. (Sandhill Ridge Subdivision File)

#### Mail Delivery Services

32. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS. (Exhibit A-19)
33. *To mitigate impacts on local services, the applicant shall provide evidence that plans for a CBU and actual installation have been approved by the local post office. (Condition 10)*

#### Utilities

34. The proposed subdivision will be served by Ravalli Electric Cooperative and Qwest Communications. (Sandhill Ridge Subdivision Application)
35. Dave Smith, Senior Design Engineer from Qwest, stated that service will be provided to the lots. (Exhibit A-16)
36. Existing public access and utility easements are provided along Jenne Lane, as recorded in amended plat of Riverview Orchards, Block 6, Lot 6-A (AP 541015) and on the plats of the Gunshy Ridge subdivisions. (Sandhill Ridge Subdivision File)
37. A private access easement along present-day Heavens Way is recorded in Certificate of Survey 501586-F. (Sandhill Ridge Subdivision File)
38. Public access and utility easements are proposed along the internal subdivision roads. (Sandhill Ridge Subdivision Application)
39. *The following requirements will mitigate impacts of the subdivision on local utilities:*
  - *Existing and proposed utility easements are required to be shown on the final plat. (Requirement 2)*
  - *The applicant shall submit utility availability certifications from Ravalli Electric Cooperative and Qwest Communications prior to final plat approval. (Requirement 16)*

#### Pedestrian Facilities

40. The applicant is proposing a network of trails throughout the development. (Sandhill Ridge Subdivision Application)
41. The Park Board has requested Parks 1 and 2 for recreational purposes. They would like a trail through Park 2 connecting from Heaven's Way south to the adjacent State land. (Exhibits A-3 and A-4)
42. *To mitigate impacts on local services, the applicant shall dedicate Park 2 to the County for a public trail to connect from Heaven's Way to the adjacent State land to the south. (Condition 11)*

#### Roads – Off-site

43. It is estimated that this subdivision will generate an additional 280 vehicular trips per day. (Sandhill Ridge Subdivision Application)
44. Eight Mile Creek Road, Jenne Lane, and Heaven's Way are proposed to provide access to the subdivision from Eastside Highway. Access is also proposed via Heaven's Way, Hidden Valley Road North, and Hidden Valley Road, but this access will not be possible until the developer of the Remington Ridge Subdivision completes the construction of Heaven's Way. (Sandhill Ridge Subdivision Application)
45. Eight Mile Creek Road is a county-maintained road. (Exhibit A, RCSR)
46. The applicant is required to improve the portion of Eight Mile Creek Road leading to the subdivision to meet the county standards for new construction. (Section 5-4-5(a) and (b)(4), RCSR)
47. The applicant is requesting a variance from reconstructing Eight Mile Creek Road to meet the county road standards for new constructions, and is instead proposing to pay the cost of materials associated with constructing the portion of Eight Mile Creek Road leading to the subdivision to meet the county standards for existing construction with the exception of easement width. To mitigate the fact that the current easement width cannot accommodate a

pedestrian path, the applicant is proposing a public trail easement through the subdivision. (Sandhill Ridge Variance Application)

48. The Road Department has granted preliminary approval of the road plans for the proposed improvements to Eight Mile Creek Road, as part of the Morado Mountain Estates proposal. (Exhibit A-23)
49. Staff is recommending conditional approval of the variance. (Variance Staff Report)
50. Jenne Lane meets the county road standards for the current ADT plus the proposed ADT from Sandhill Ridge. (Exhibit A-9)
51. The portion of Heaven's Way leading to the subdivision was constructed to meet county standards as part of another adjacent subdivision proposal. The applicant will be required to submit an engineer's certification that the road meets county standards. (Sandhill Ridge Subdivision Application and RCSR)
52. The applicant's engineer is working on a traffic analysis to estimate how much traffic will likely use the Heaven's Way to Hidden Valley Road North route once construction of the Heaven's Way connection is completed. (Sandhill Ridge Subdivision Application)
53. David Ohnstad does not think that any substantial mitigation will be required because only a small amount of traffic is likely to use the Hidden Valley Road North route. He will review the applicant's traffic analysis and provide comments prior to the public hearing.
54. The applicant is proposing stop signs at the intersections of the internal roads with Heaven's Way. (Sandhill Ridge Subdivision Application)
55. The applicant is required to install a road name signs at the intersections of the internal roads with Heaven's Way. (Section 5-4-11, RCSR)
56. The applicant submitted a preliminary road maintenance agreement for the portions of Jenne Lane and Heaven's Way leading to the subdivision. The agreement only applies to Sandhill Ridge. (Sandhill Ridge Subdivision Application)
57. Recently, there have been other subdivisions proposed and approved that access off Jenne Lane and Heaven's Way. There may be existing road maintenance agreements or opportunities for the applicant to work with other applicants to ensure that all lot owners pay their fair share of the cost for maintaining these roads. Staff recommends that the applicant work with the other developers on road maintenance issues. (Staff Determination)
58. The applicant is proposing a 60-foot wide conditional easement to connect the southern portion of the subdivision to Hidden Valley Road North. (Sandhill Ridge Subdivision Application)
59. There is the possibility that the State land adjacent to the south will be developed in the future, which would require improvements to Hidden Valley Road North. (Staff Determination)
60. *To mitigate impacts on the off-site roads leading to the subdivision, the following conditions and requirements shall be met:*
  - *The applicant shall pay the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet county standards for existing construction prior to final plat approval. (Condition 1 of Variance Approval)*
  - *The applicant shall be required to submit an engineer's certificate that Heaven's Way meets county standards. (Requirement 15)*
  - *The applicant shall provide evidence that the Heaven's Way connection to Hidden Valley Road North has been completed prior to final plat approval. (Condition 14)*
  - *The applicant shall provide for a 60-foot wide public road and utility easement between Lots 13 and 14 in case there is future development to the south. (Condition 15)*
  - *To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)*
  - *The applicant shall install stop signs and road name signs at the intersections of the internal roads with Heaven's Way prior to final plat approval. (Requirement 22)*

#### Internal Subdivision Roads

61. The applicant is proposing to construct the internal subdivision roads to meet county standards. (Sandhill Ridge Subdivision Application)
62. The applicant has received preliminary approval from the Road Department. (Exhibit A-8)
63. The applicant is proposing 60-foot wide public road and utility easements for the internal roads. (Sandhill Ridge Subdivision Application)
64. The applicant has submitted a preliminary road maintenance agreement for the internal subdivision roads. (Sandhill Ridge Subdivision Application)
65. *To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:*
  - *The applicant shall submit a copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ prior to final plat approval. (Requirement 10)*
  - *The applicant shall submit final road plans for the internal subdivision roads, and final approval from the Road Department prior to final plat approval. (Requirements 14, 15, and 22)*
  - *The applicant shall submit a final road maintenance agreement, signed and notarized, with the final plat submittal. (Requirement 17)*
  - *A notification of the road maintenance agreement shall be included in the notifications documents filed with the final plat. (Condition 1)*
  - *The applicant shall provide for 60-foot wide public road and utility easements for all internal subdivision roads on the final plat, as proposed on the preliminary plat. (Requirement 2)*
  - *The applicant shall submit evidence of Ravalli County-approved road name petitions for all internal roads with the final plat submittal. (Requirement 13)*
  - *The Road Maintenance Agreement(s) filed with the final plat shall state that the other parcels which may have beneficial use of the internal subdivision roads shall be allowed to join as members of the agreement without the consent of the current members once connecting roads are developed within the easements. (Condition 9)*

#### Conclusion of Law:

With mitigating conditions and requirements of final plat approval, the impacts on local services will be reduced.

#### **CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT**

##### Findings of Fact:

##### Air Quality

1. In an email dated April 1, 2008, the Montana Department of Environmental Quality (DEQ) identified Ravalli County as a community that experiences poor air quality during certain periods of the year. (Exhibit A-18)
2. Sources of particulate from this subdivision could be from vehicles and/or wood-burning stoves. (Staff Determination)
3. *To mitigate impacts on air quality, a recommendation for EPA-certified wood stoves shall be included in the covenants filed with the final plat.*

##### Ground Water Quality

4. The applicant is proposing individual wells and wastewater treatment facilities for all the lots. The applicant submitted water and sanitation information per MCA 76-3-622. (Sandhill Ridge Subdivision Application)
5. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-10)
6. *To mitigate impacts on the natural environment, the applicant is required to submit a final DEQ Certificate of Subdivision Approval prior to final plat approval. (Requirement 9)*

#### Drainage Feature

7. There is a drainage feature that traverses through the eastern portion of the subject property. There are slopes greater than 25% associated with the drainage. (Sandhill Ridge Subdivision Application)
8. The applicant is proposing to donate this area as part of Park 2 to the County. (Sandhill Ridge Subdivision Application)
9. The Park Board requested a trail through this portion of the property from Heaven's Way south to the adjacent State land. (Exhibits A-3 and A-4)
10. The applicant is proposing no-build/alteration zones on the slopes greater than 25%. (Sandhill Ridge Subdivision Application)
11. FWP recommended a 50-foot wide no-alteration zone on either side of the centerline of the drainage and riparian covenants. (Exhibit A-13 and 14)
12. *To mitigate the impacts of this subdivision on the drainage feature, the applicant shall extend the no-build/alteration zones that are currently in place on slopes greater than 25% to cover the area within 50 feet of the centerline of the drainage. In addition, the applicant shall include riparian covenants that apply to the area within 50 feet of the drainage centerline. The covenants shall allow for a trail through Park 2. (Conditions 2 and 12)*

#### Light Pollution

13. The addition of homes in an area that currently has lower density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association, [www.darksky.org](http://www.darksky.org))
14. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants filed with the final plat shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

#### Vegetation

15. The applicant provided evidence that a Ravalli County Subdivision Noxious Weed Evaluation Form was submitted to the Weed District. (Exhibit A-2)
16. The applicant has been implementing biological weed control on the property and has contracted a native plant specialist to help control weeds on the property through the covenants. (Sandhill Ridge Subdivision Application)
17. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)
18. The Montana Natural Heritage Program found that Toothcup, a plant species of concern, may be found within the same section as the subject property. The Toothcup is expected to occur in wet soil, usually around surface water features. The applicant's consultant found that the subject property was not suitable habitat for the Toothcup. (Sandhill Ridge Subdivision Application).
19. *To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. The information from the applicant's consultant hired to provide expertise on weed control and native vegetation shall be incorporated into the covenants. The final noxious weed plan is required to be submitted prior to final plat approval. (Condition 2 and Requirement 11)*



#### Archaeological Resources

20. There are no known sites of historical significance on the property. (Sandhill Ridge Subdivision Application)
21. *To mitigate possible impacts on any potential sensitive historical, cultural, archaeological, paleontological, and/or scenic sites, the following statement shall be included in the covenants filed with the final plat: "If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the developer will contact the State Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate". (Condition 2)*

#### Conclusions of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval.

#### **CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT**

##### Findings of Fact:

1. According to the Montana Natural Heritage Program (MNHP), the Lewis's Woodpecker, Townsend's Big-eared Bat, and Westslope Cutthroat Trout were identified as species of concern as they have been known to exist in the same section as the proposed subdivision. (Sandhill Ridge Subdivision Application)
2. The applicant provided information showing that the subject property did not have suitable habitat for any of the sensitive species listed above. (Sandhill Ridge Subdivision Application)
3. The property is located within elk and mule deer winter range. (FWP and Sandhill Ridge Subdivision Application)
4. FWP recommended the following to mitigate impacts on wildlife (Exhibits A-13 and A-14):
  - a) The living with wildlife provisions should be included in the covenants.
  - b) The covenants should state: "Wooded draws can be favored movement corridors for big game animals such as deer, bear and mountain lion. Residents should exercise caution when using these areas."
  - c) A 50-foot no alteration zone be placed on both sides of the centerline of the drainage feature on the final plat.
  - d) Riparian covenants should apply to the no alteration zone listed above.
5. The applicant is proposing no-build/alteration zones on slopes greater than 25%. (Sandhill Ridge Subdivision Application)
6. *To mitigate impacts on wildlife, the following conditions could be met:*
  - *The applicant shall extend the no-build/alteration zones that are currently in place on slopes greater than 25% to cover the area within 50 feet of the centerline of the drainage. In addition, the applicant shall include riparian covenants that apply to the area within 50 feet of the drainage centerline. (Conditions 2 and 12)*
  - *The covenants shall include a living with wildlife section. The section could specifically include the language about wooded draws. (Condition 2)*

#### Conclusion of Law:

With the mitigating conditions of approval, impacts on wildlife & wildlife habitat will be reduced.

#### **CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY**

##### Findings of Fact:

##### Traffic Safety

1. Eight Mile Creek Road, Jenne Lane, and Heaven's Way are proposed to provide access to the subdivision from Eastside Highway. Access is also proposed via Heaven's Way, Hidden Valley Road North, and Hidden Valley Road. (Sandhill Ridge Subdivision Application)

2. *The requirements and conditions listed under Roads, both off-site and on-site, in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*
3. The Ravalli County Educational Transportation Committee has requested that the BCC require that developers establish a bus shelter and a turnout land or turnaround, as appropriate, at subdivision entrances to County-maintained roads. (Exhibit A-5)
4. Buses will likely pick students up at the intersection of Jenne Lane with Eight Mile Creek Road because Eight Mile Creek Road is the nearest county-maintained road. (Staff Determination)
5. *To mitigate impacts on public health and safety, prior to final plat approval, the applicant shall work with the Florence-Carlton School District to determine whether or not a bus shelter and/or school bus turnout lane or turnaround could or should be constructed. The applicant shall provide evidence that they have worked with the School District prior to final plat approval. If any improvements are required, the applicant shall complete the improvements prior to final plat approval. (Condition 13)*

#### Emergency Vehicle Access and Response Time

6. The subject property is located 3.5 miles from the Florence Rural Fire District, 12.0 miles from law enforcement in Stevensville, and 19.0 miles from the Community Medical Center in Missoula. (Sandhill Ridge Subdivision Application)
7. The property is located approximately 30 miles from the Ravalli County Sheriff's Office. (Staff Determination)
8. The applicant is proposing to access the property via Eight Mile Creek Road, Jenne Lane, Heaven's Way, and the internal subdivision roads. Access is also proposed via Heaven's Way, Hidden Valley Road North, and Hidden Valley Road, but this access will not be possible until the developer of the Remington Ridge Subdivision completes the construction of Heaven's Way. (Sandhill Ridge Subdivision Application)
9. Hidden Valley Road North is located along the southern boundary of the proposal. (Sandhill Ridge Subdivision Application)
10. The applicant is proposing a 60-foot wide conditional easement connecting the southern portion of the subdivision to Hidden Valley Road North. The applicant is not proposing to construct a road connection within this easement. (Sandhill Ridge Subdivision Application)
11. The Ravalli County Subdivision Regulations do not require the applicant to connect directly to Hidden Valley Road North because the area adjacent to the south of the subject property is not a platted area. (Section 5-4-4(d), RCSR)
12. Remington Ridge, a proposed subdivision adjacent to the west that has received preliminary approval, is required to provide a road connection from the current cul-de-sac of Heaven's Way south to Hidden Valley Road North prior to the final plat approval of that subdivision. (Remington Ridge Subdivision File)
13. The Florence Rural Fire District owns a parcel off Hidden Valley Road North that is approximately 0.4 miles to the west of the proposed Sandhill Ridge connection. Currently, there are no plans or resources to build a new station at this location. (Staff Determination)
14. The Florence Rural Fire District stated in a phone conversation that they recommend a direct access off Hidden Valley Road North. (Exhibit A-24) The Fire District has not submitted a written comment.
15. If there is a fire station constructed on the parcel located off Hidden Valley Road North in the future, a fire truck would travel approximately 1,000 feet east on Hidden Valley Road North to a direct access to the Sandhill Ridge Subdivision. The fire truck would travel approximately 3,000 feet along Heaven's Way to access the Sandhill Ridge Subdivision. (Staff Determination)
16. During a discussion on April 14, 2008, David Ohnstad stated that most of the traffic generated from the Sandhill Ridge subdivision would likely use the Eight Mile Creek Road route because it is a relatively straight road versus the Hidden Valley Road North route, which curves through neighborhoods.

17. If the applicant were to connect directly to Hidden Valley Road North, the applicant would most likely be required to improve the portions of Hidden Valley Road and Hidden Valley Road North leading to the subdivision to meet county standards. (Staff Determination)
18. Hidden Valley Road North has a slope of 19% along the southwestern corner of the Sandhill Ridge Subdivision. Substantial engineering and relocation of the road would be required to improve it to meet county standards. (Sandhill Ridge Subdivision Application)
19. The applicant's engineer is working on a traffic analysis to estimate how much traffic will likely use the Heaven's Way to Hidden Valley Road North route. (Sandhill Ridge Subdivision Application)
20. David Ohnstad did not think that any substantial mitigation would be required because only a small amount of traffic is likely to use the Hidden Valley Road North route. He will review the applicant's traffic analysis and provide comments prior to the public hearing.
21. *To mitigate impacts on public health and safety, the applicant shall provide evidence that the Heaven's Way connection to Hidden Valley Road North has been completed prior to final plat approval. (Condition 14)*

#### Water and Wastewater Treatment

22. The applicant is proposing individual wells and wastewater treatment facilities for all the lots. The applicant submitted water and sanitation information per MCA 76-3-622. (Sandhill Ridge Subdivision Application)
23. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Exhibit A-10)
24. DNRC requested that the well locations for Lots 10 through 12 be placed so that the well isolation zones do not overlap State land. (Exhibit A-26)
25. Lea Jordan, Ravalli County Environmental Health Director, stated that while the County has the right to adopt regulations requiring that well isolation zones are kept within property boundaries, the County currently does not have that regulation and therefore, cannot enforce that rule.
26. *To mitigate impacts on the natural environment, the applicant shall submit a final DEQ Certificate of Subdivision Approval prior to final plat approval. (Requirement 9)*

#### Natural and Man-Made Hazards

27. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
28. *To mitigate impacts on public health & safety, the covenants shall include a statement regarding radon exposure. (Condition 2)*
29. The preliminary plat and soils map indicate that the subdivision may have soils rated as severe for road and building construction. (Sandhill Ridge Subdivision Application)
30. *To educate property owners and to mitigate potential impacts of this subdivision on Public Health & Safety, a notification of the potential for severe soils shall be included in the notifications document filed with the final plat. A reduced plat showing the approximate locations of soils rated as severe for roads and building construction and descriptions of the soils in question shall be attached to the notifications document as an exhibit. (Condition 1)*
31. There are slopes greater than 25% located along the eastern boundary and the southwestern corner of this subdivision. The applicant is proposing no-build/alteration zones on the slopes. (Sandhill Ridge Subdivision Application)
32. *To mitigate impacts on public health and safety, the no-build/alteration zones on slopes greater than 25% shall be shown on the final plat, as shown on the preliminary plat. The no-build/alteration restriction shall also be included in the covenants. (Conditions 2 and 12)*

#### Conclusion of Law:

With the mitigating conditions and requirements of final plat approval, impacts on public health and safety will be reduced.

### **VARIANCE REQUEST**

The subdivider is requesting a variance from Sections 5-4-5(a) and (b)(4) of the RCSR, to allow the subdivider to pay for the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet the county road standards (or AASHTO standards) for existing construction within a 50-foot wide easement instead of reconstructing the road to meet the county standards for new construction.

#### **Variance Analysis**

Section 7-3-5(a), RCSR, outlines two sets of criteria to be used in analyzing a variance request.

##### Prerequisite Variance Criteria

In order for a variance to be considered for approval, the BCC must first determine that the variance request meets these stipulations:

1. Strict compliance with these regulations will result in undue hardship.
2. Compliance is not essential to the public welfare.

##### Variance Review Criteria

If and only if a positive determination is made on both of the prerequisite criteria, the BCC may then consider the variance for approval, based on the five variance review criteria:

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.
- B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).
- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.
- E. The variance will not cause a substantial increase in public costs.

Both sets of criteria were reviewed simultaneously. Findings for Prerequisite Criterion #1 are based on an analysis of Variance Review Criteria B and C. Findings for Prerequisite Criterion #2 are based on an analysis of Variance Review Criteria A, D, and E.

#### **Five Variance Review Criteria**

- A. The granting of the variance will not be substantially detrimental to the public health, safety or general welfare or injurious to other adjoining properties.**

##### Findings of Fact:

1. Eight Mile Creek Road is a county-maintained road that provides access to the proposed subdivision from Eastside Highway to Jenne Lane. (Exhibit A, RCSR)
2. It is estimated that this subdivision will generate an additional 280 vehicular trips per day. (Sandhill Ridge Subdivision Application)

3. The applicant is required to improve the portion of Eight Mile Creek Road leading to the subdivision to meet the county standards for new construction. (Section 5-4-5(a) and (b)(4), RCSR)
4. The road does not meet county standards for new construction. (Sandhill Ridge Subdivision Application)
5. The Montana Department of Transportation (MDT) is planning to reconstruct the intersection of Eastside Highway with Eight Mile Creek Road to be a roundabout in the future. The completion date is not known, but the work was proposed for 2008. (Sandhill Ridge Subdivision Application)
6. Since MDT will be improving the intersection of Eastside Highway with Eight Mile Creek Road, the required improvements would begin approximately 500 feet north of the existing intersection (Station 5+50 on the aerial photography submitted with the road plans). (Exhibit A-21)
7. The applicant, the applicants of Morado Mountain Estates (another proposed subdivision that accesses off Eight Mile Creek Road), the applicants' engineers, the applicants' attorneys, the Road Department, the Planning Department, and the County Attorney's Office had several meetings and substantial communication about the required improvements to Eight Mile Creek Road. (Exhibit A-21)
8. The applicant is now requesting a variance from Section 5-4-5(a) and (b)(4), which requires that Eight Mile Creek Road be reconstructed to meet the county road standards for new construction, and is instead proposing to pay the cost of materials associated with constructing the portion of Eight Mile Creek Road leading to the subdivision to meet the county standards for existing construction with the exception of easement width. To mitigate the fact that the current easement width cannot fit a pedestrian path, the applicant is proposing a network of trails throughout the subdivision. (Sandhill Ridge Variance Application)
9. The following improvements are needed in order for Eight Mile Creek Road to meet the county road standards for existing construction, except for easement width:
  - a) Road preparation, which would address any roadside drainage issues
  - b) A 24-foot wide pavement overlay from Station 5+50 in the preliminary road plans to the intersection with Lower Woodchuck Road
  - c) A 22-foot wide pavement overlay from the intersection with Lower Woodchuck Road to Granite Creek Road
  - d) 2-foot wide gravel shoulders on both sides over entire length
  - e) A 0.12-foot thick leveling course on the entire length
  - f) A 0.17-foot thick wearing course on the entire length
  - g) Asphalt aprons on the 49 driveway approaches along the entire length
  - h) A new box culvert installed at Station 5+50
  - i) Advance warning signs and speed advisory traffic control signs
10. The applicant submitted preliminary road plans to improve Eight Mile Creek Road to meet AASHTO standards for existing construction from Station 5+50 to Granite Creek Road. The proposed road improvements can be accomplished within the existing 50-foot wide easement. (Sandhill Ridge Variance Application)
11. The applicant submitted four design exceptions for the horizontal curves along Eight Mile Creek Road. (Exhibit A-21)
12. The Road Department granted preliminary approval of the road plans and the four design exceptions. (Exhibit A-21)
13. The cost of materials for the improvements is estimated at \$593,305.00. (Exhibit A-21)
14. David Ohnstad, Road and Bridge Department Supervisor, has agreed to provide the labor if the applicants provide the cost of materials. (Exhibit A-21)
15. The applicants of Morado Mountain Estates and Sandhill Ridge have agreed to share the cost of materials for the improvements, and request that the County provide the labor. (Exhibit A-21)

16. The applicants are requesting that any pro rata money submitted in the same grader district between the time Morado Mountain Estates and Sandhill Ridge receive preliminary approval and the time the improvements to Eight Mile Creek Road are completed be reimbursed to the applicants. (Exhibit A-21)
17. The County Attorney's Office summarized discussions with the applicant. (Exhibit A-22)
18. The Park Board requests a public trail from Heaven's Way south to the adjacent State land to the south. (Exhibits A-13 and 14)
19. *To mitigate impacts on public health and safety, the applicant shall pay the cost of materials to improve the portion of Eight Mile Creek Road leading to Granite Creek Road to meet the county road standards for existing construction. (Condition 1 of Variance Approval)*
20. *The applicant shall dedicate Park 2 to the County for a public trail to connect from Heaven's Way to the adjacent State land to the south. (Condition 2 of Variance Approval)*

Conclusions of Law:

1. If the applicant fulfills the requirements of Condition 1, then the County would receive the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet county standards for existing construction.
2. A public trail and easement through Park 2 would provide the opportunity for an alternative off-road trail if the Eight Mile area is developed in the future.
3. The granting of the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties.

**B. The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.**

Findings of Fact:

1. Section 5-4-5(b)(4) requires that applicants of subdivisions with more than 20 units improve all roads leading to the subdivision to meet county standards for new construction. (RCSR)
2. There has been increased development activity proposed to access off Eight Mile Creek Road. (Ravalli County Planning Department)
3. Morado Mountain Estates, a 58-lot major subdivision that also accesses off Eight Mile Creek Road, will be reviewed by the BCC on May 6, 2008. The requirement of Section 5-4-5(b)(4) also applies to Morado Mountain Estates. (Morado Mountain Estates Subdivision Application)
4. The applicants of both Morado Mountain Estates and Sandhill Ridge are proposing to pay the cost of materials to improve the portion of Eight Mile Creek Road leading to Morado Mountain Estates to meet county standards for existing construction. (Sandhill Ridge Variance Application)
5. The Road Department stated that constructing Eight Mile Creek Road to meet county standards for existing construction is acceptable for the combined ADT that would result from Morado Mountain Estates and Sandhill Ridge for the following two reasons (Exhibit A-21):
  - a) The current condition of Eight Mile Creek Road does not require complete reconstruction
  - b) The horizontal and vertical curvature of Eight Mile Creek Road is generally level

Conclusions of Law:

1. The fact that Ravalli County has two development proposals that are required to make road improvements on the same road is a unique condition.
2. The recommendation from the Road Department that the applicant should improve the road to meet the road standards for existing construction is a unique condition.

- C. Physical conditions, such as topography or parcel shape, prevent the subdivider from meeting the strict letter of these regulations. These conditions shall not result from the past actions of the land's current or previous owner(s).**

Findings of Fact:

1. The horizontal and vertical curvature of Eight Mile Creek Road is generally level. (Exhibit A-21)
2. The easement width for Eight Mile Creek Road is 50 feet. (Sandhill Ridge Variance Application)

Conclusion of Law:

The challenge of purchasing additional easement to reconstruct the road to meet county standards for new construction is not a physical condition.

- D. The variance will not in any manner vary the provision of the zoning regulations or the Growth Policy.**

Findings of Fact:

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. Relevant countywide provisions in the Ravalli County Growth Policy are outlined in italics below. Provisions of the Ravalli County Growth Policy are followed by an analysis (bulleted points) of the variance request against these provisions.

**Countywide Goal 4:** *Provide necessary infrastructure and public services to accommodate population growth and new development without undue impacts on the quality, quantity and cost of service to existing residents.*

**Countywide Policy 4.1:** *Encourage development that will minimize or avoid additional costs to existing taxpayers.*

**Countywide Policy 4.2:** *Consider cumulative impacts of development.*

**Countywide Policy 4.4:** *Improve and maintain existing infrastructure and public services.*

**Countywide Policy 4.5:** *Developers will be responsible for providing the infrastructure necessary within the development such as community water, sewage treatment and roads. A system of "nexus and proportionality" will govern external infrastructure costs attributable to the developer.*

- The applicant is proposing to pay the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet county standards for existing construction. The applicant is also creating a network of trails to compensate for the inability to provide a 60-foot wide easement on Eight Mile Creek Road to accommodate a pedestrian trail. (Sandhill Ridge Variance Application)
- The Road Department has granted preliminary approval of the road plans and recommends that the proposal be approved. (Exhibit A-21)
- The County Attorney's Office summarized discussions with the applicant. (Exhibit A-22)
- *To mitigate impacts on public health and safety, the applicant shall pay the cost of materials to improve the portion of Eight Mile Creek Road leading to Granite Creek Road to meet the county road standards for existing construction. (Condition 1 of Variance Approval) The applicant shall also dedicate Park 2 to the County for a public trail to connect from Heaven's Way to the adjacent State land to the south. (Conditions 1 and 2 of Variance Approval)*

Conclusions of Law:

1. The subdivision proposal complies with applicable zoning regulations.

2. The variance will not vary from the provisions in the Growth Policy.

**E. The variance will not cause a substantial increase in public costs.**

Findings of Fact:

1. The applicant is proposing to pay the cost of materials to improve the portion of Eight Mile Creek Road leading to the subdivision to meet county standards for existing construction. (Sandhill Ridge Variance Application)
2. The Road Department has granted preliminary approval of the road plans and recommends the proposal be approved. (Exhibit A-21)
3. The County Attorney's Office summarized discussions with the applicant. (Exhibit A-22)
4. *To mitigate impacts on public health and safety, the applicant shall pay the cost of materials to improve the portion of Eight Mile Creek Road leading to Granite Creek Road to meet the county road standards for existing construction. (Condition 1 of Variance Approval)*

Conclusion of Law:

The granting of the variance will not cause a substantial increase in public costs.

**Prerequisite Variance Criteria**

**A. Strict compliance with these regulations will result in undue hardship.**

Findings of Fact:

1. The conclusion for Criterion B is there are unique conditions associated with the variance request.
2. The conclusion for Criterion C is that there are no physical conditions preventing the applicant from acquiring the 60-foot wide easement and constructing the road to meet full county standards.

Conclusion of Law:

Strict compliance with these regulations will result in undue hardship.

**B. Compliance is not essential to the public welfare.**

Findings of Fact:

1. The conclusion for Criterion A is that granting the variance will not be substantially detrimental to public health and safety, general welfare, and adjoining properties.
2. The conclusions for Criterion D are that the variance request complies with applicable zoning regulations and does not vary from the provisions in the Growth Policy.
3. The conclusion for Criterion E is that the granting of the variance will not cause a substantial increase in public costs.

Conclusion of Law:

Compliance is not essential to the public welfare.

**C. Overall Conclusion on Hardship and Public Welfare**

The variance application provides evidence that there is an undue hardship and that compliance with the RCSR is not essential to the public welfare.